

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

JAYNELLE BURTON,)
)
Plaintiff,)
)
v.) Civil No. 2011-13
)
ADVANCE AUTO PARTS,)
)
Defendant.)

)

APPEARANCES:

Jaynelle Burton
St. Thomas, VI
Pro se plaintiff,

Advance Auto Parts
Unrepresented entity.

ORDER

GÓMEZ, J.

The plaintiff, Jaynelle Burton ("Burton"), initiated this action on January 24, 2011. On Burton's motion, the Magistrate Judge entered an order allowing Burton to proceed *in forma pauperis*.

On June 14, 2012, the Magistrate ordered Burton to show cause at a hearing, scheduled to take place on July 5, 2012, why this action should not be dismissed for lack of prosecution. Burton did not appear at the hearing.

The Magistrate then rescheduled the hearing for August 1, 2012. Burton personally appeared for this hearing. At the conclusion of the hearing, the Magistrate ordered Burton, not later than September

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1, 2012, to submit an amended complaint including allegations asserting a factual basis for jurisdiction. The Magistrate also scheduled another hearing for September 5, 2012.

Burton did not respond to the order. Burton also failed to appear at the September 5, 2012, hearing. To date, Burton has not responded to the Court's August 1, 2012, Order. Burton has also failed to timely serve process within 120 days after the filing of the complaint.

Pursuant to Federal Rule of Civil Procedure 4(m), and because of the failure of the plaintiff to timely serve process within 120 days after the filing of the complaint, it is hereby

ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that the Clerk of the Court shall **CLOSE** this case.

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Curtis V. Gómez
District Judge